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Seventeenth session

SUMMARY RECORD OF THE 350th MEETING

Held at Headquarters, New York,
on Thursday, 17 July 1997, at 10.30 a.m.

Chairperson: Ms. KHAN

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The meeting was called to order at 10.55 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Combined initial and second periodic reports of Israel (CEDAW/C/ISR/1-2)

1. At the invitation of the Chairperson, Ms. Arad and Ms. Halperin-Kaddari (Israel) took places at the Committee table.

2. Ms. ARAD (Israel), introducing Israel's combined initial and second reports, said that her country had attached great importance to the status of women since its early days. A constitutional and normative infrastructure had been established, with a continuous process of legislation and development of implementation mechanisms, all of which applied equally to Jewish and Arab women. The two goals were to secure the status and rights of women and to educate society in the normative values of equality of the sexes. Israel's ratification of the Convention was a natural expression of its commitment in that regard.

3. Israel recognized the importance of a proactive stance, particularly in a country characterized by such cultural, socioeconomic, religious and ethnic diversity. That was of particular importance in what was a time of rapid transformation and dynamic change.

4. Comprehensive reporting to the Committee, in accordance with its guidelines, was an important tool for the advancement of women's rights. The report was frank, expressing a readiness to engage in constructive dialogue. The reporting process in itself had been beneficial in that it had led to the accumulation of statistical data, and had promoted institutional awareness of women's concerns. Non-governmental organizations had been given an opportunity to comment on the report, and had provided invaluable feedback. Shadow reports prepared by non-governmental organizations had promoted further investigation, in what was expected to be a new and ongoing dialogue.

5. Israel had made encouraging progress in such basic areas as life expectancy, mortality, literacy and marital age. There had also been significant progress on a more complex level, so that, for example, more women received advanced education and participated in the workforce, and new legislation continued to promote the status of women. Such trends indicated a transformation in social values and a growing awareness of women's needs.

6. The definition of discrimination against women and the concept of equality of the sexes articulated by the Israeli legal system conformed with the Convention. There was a substantive perception of equality, with recognition of the usefulness of affirmative action, now being extended in the private and public sectors, comprehensive legislation to accommodate maternal needs, removal of limitations on women's participation in the workforce, and recognition of the need to support the family unit as a whole, with greater involvement of fathers in childrearing. There was also emerging legislation to protect women in the

family, with regard to such areas as domestic violence and distribution of marital property.

7. Legislative developments over the past decade had played an important role in advancing the status of women, partly in terms of educating the public with regard to the special normative forms adopted for women. Other legislation was currently in preparation, particularly on sexual harassment, an issue of growing interest, as evidenced by a survey at one university according to which a high percentage of female students had experienced sexual harassment.

8. In addition to normative formulation, other government initiatives included such national mechanisms as the Prime Minister's Advisor on the Status of Women and the Knesset Committee for the Advancement of the Status of Women. There was also the system of labour courts and the Public Complaints Commissioner. The Ministry of Justice offered legal advice and representation in civil matters to facilitate legal recourse. The legal aid machinery was particularly effective in providing representation in cases of family violence, which comprised the largest category of cases handled, with women accounting for 80 per cent of applicants.

9. Ms. HALPERIN-KADDARI (Israel) said that education was a key factor in changing gender roles. Illiteracy had been almost eliminated among Jewish women, among whom there was an overall rate of 5.8 per cent, and had significantly diminished among Arab women. In the 15 to 17 age group, only 0.1 per cent of Jewish women, and only 2 per cent of Arab women, had had no schooling. Women's enrolment in universities had also increased significantly over the past decade, and 55 per cent of all graduates in 1995 had been women. Those encouraging data reflected a revolution in the Ministry of Education and the outcome of measures begun in the 1980s to promote the advancement of women. In particular, the Ministry had made efforts to encourage girls to study in technological schools, had established criteria to eliminate gender stereotypes, had created family and sex education programmes, and, in 1995, had established the Office of the Supervisor on Equality of the Sexes. All those programmes had also been implemented within the Arab school system.

10. With regard to health care, basic parameters indicated a steady improvement among all population groups, with a decline in infant and maternal mortality rates as well as birth and fertility rates. Life expectancy for women had risen, and now stood at 79.2 years for Jewish women and 76.3 years for Arab women.

11. The 1994 National Health Insurance Law and 1996 Patient's Rights Law had established universal and equal rights to health-care services by obliging health providers to accept all applicants as members, a measure which had particularly improved the situation of Arab and Bedouin women. Considerable efforts had been made to close gaps in health care between different populations.

12. Following the Fourth World Conference on Women, efforts had been made to focus on women's health and health needs, although the new insurance legislation did not cover contraception or abortion on the ground of extramarital pregnancy.

13. Reproductive health and infant care received considerable attention, with high quality, inexpensive clinics, including for in vitro fertilization. There was, however, some concern that too many resources had been directed towards fertility services at the expense of other areas, and that the liberal funding of fertility treatments indicated pro-natalist social attitudes impacting on reproductive autonomy.

14. Penal legislation allowed abortions only when approved by a designated committee in specific circumstances, where, for example, there was health considerations, or problematic relationships such as extramarital relations, which constituted the most common ground for approval. The number of illegal abortions performed had risen significantly following the recent wave of immigration from the former Soviet Union. Criminal sanctions, which applied only to doctors and not to patients, were rarely enforced in practice.

15. Breast cancer was an area of particular concern, and had become the leading cause of death among Israeli women in the 22 to 55 age group. According to a 1985 study, Jewish women had one of the highest rates in the world.

16. With regard to women and employment, women's participation in the workforce had reached 45.5 per cent in 1995. A major difference between women's and men's participation was the highest percentage of women working part-time, which had an effect on their salary levels and job security. Data from the Central Bureau of Statistics also supported the impression that certain fields were seen as male (manufacturing, transport, construction, agriculture), and others female (education, welfare, social services). The "glass ceiling" existed in the Israeli job market as well; less than 20 per cent of management positions were filled by women. Those factors in addition to simple gender discrimination contributed to salary gaps between men and women: in 1994, women's average monthly income had been approximately 55 per cent of men's. Close to 70 per cent of those earning less than the minimum wage were women. It remained to be seen whether recent legislation on equal pay would have any effect on that situation.

17. Childcare and vocational training for women were under the Ministry of Labour and Welfare, which had established a special Unit for the Advancement of Women and Girls in 1996. It had created special programmes and courses to meet the needs of Arab and Bedouin women, new immigrants from Ethiopia and the former Soviet Union, and ultra-Orthodox Jewish women. Childcare services were provided by both public and private organizations.

18. An important aspect of the issue of employment was workforce participation among Arab women. Their participation was affected by certain social processes within Arab society, where married women enjoyed a lesser degree of independence, their proximity to employment centres and knowledge of Hebrew, their educational level and the employment status of their husbands. Despite steady increases since the 1960s, their 17 per cent rate of workforce participation was still considerably lower than that of Jewish women. In recent years, however, more Arab women had been filling positions requiring a high-school education, such as teaching.

19. Women's involvement in national economic life was still quite limited, although legislation had been proposed to improve the situation. Small business was the major channel through which women entered the Israeli economy, and there were programmes and courses to promote their participation.

20. Maternity insurance covered hospitalization for childbirth and provided a cash grant to every woman who gave birth. It also provided for 12 weeks of leave at full pay for employed women. Under the system of alimony payments, the National Insurance Institute would pay alimony orders on the request of the creditor, guaranteeing a minimum payment even when the debtor defaulted on his obligations. That benefit was of great importance to single-parent families headed by women, which were traditionally among the most vulnerable to poverty. There was no general trend towards feminization of poverty, however.

21. Ms. HALPERIN-KADDARI (Israel) said that Israeli society was very family-oriented as evidenced by the fact that 98 per cent of 60-year-olds had at some point been married. On the other hand, the average age of marriage for both Jewish and Moslem women had risen steadily since the 1970s, to 25.1 for Jewish women and 21.3 for Moslems. The average marriage age for Druze women had also risen but remained below 21 years. In addition, divorce rates had been rising. The minimum age for marriage for all women had been set at 17; no minimum age had been set for men. Polygamy was prohibited, as was forcing a divorce on a woman without a judicial decree. Non-marital cohabitation, known as domestic partnership, was accorded broad recognition in such areas as pension and social security benefits and community property.

22. Child custody was governed by the best interests of the child and parents had equal rights and responsibilities in that area. Property distribution in cases of marital breakdown was governed solely by civil law. With regard to inheritance rights, women and men received equal treatment.

23. After a recent legal reform, a woman no longer automatically took her husband's name upon marriage; both spouses must indicate their choice of surname to the marriage registrar. Israel had been the first State to regulate and sanction surrogate motherhood, with the prior approval of a surrogacy contract by a seven-member committee.

24. Ms. ARAD (Israel) said, with regard to violence against women, that progress had been made both in legislation and on the level of the authorities dealing directly with victims. Recent reforms to the 1997 Penal Law had broadened the definitions of sexual assault and rape, and a mechanism for protection against an abusive family member had been introduced. At every police station a special officer was assigned to domestic violence cases, and all police officers received special training in handling domestic violence and sexual assault cases. Unfortunately, the judiciary had not yet shown increased awareness in that area; in over a third of cases involving sexual violence, no prison term was imposed. Many treatment services and programmes for victims of such violence, including shelters, hotlines and prevention centres, were available.

25. There were no official statistics regarding the extent of prostitution and traffic in women in Israel, but the general sense was that it was becoming more

prevalent. Prostitution itself was not a crime, but clients or sponsors of prostitution were subject to criminal prosecution.

26. Ms. HALPERIN-KADDARI (Israel) said that special attention had been given to the needs of certain distinct groups of women within society: Bedouin women, immigrants from the former Soviet Union, and Ethiopian immigrants. Bedouin society was highly traditional and patriarchal, with fixed gender roles. Modernization, however, had weakened the traditional status of women, taking away their traditional role without offering a replacement. Education was crucial to overcoming the obstacles to Bedouin women, yet only 30 per cent of all Bedouin students completed high school. Some change was beginning to occur, however; a survey of Bedouin mothers had revealed that most would like to see their daughters finish high school and become teachers, instead of returning to their traditional domestic roles. On the other hand, many of the women immigrants from the former Soviet Union were well educated, but also faced the burdens of single parenthood. Special vocational training courses to meet their needs had helped their employment rate to double in the past year to almost 50 per cent two years after immigration. Ethiopian immigrants faced the culture shock of moving from a rural, agrarian society to mostly urban Israel. Many of those women also lacked formal education, so most vocational training concentrated first on basic literacy and arithmetic. The employment data thus far were not encouraging, and more resources must be allocated to that task.

27. The position of women with respect to the Israeli media was somewhat inconsistent. Although the number of women employed in the media and the number of programmes addressing women's issues were on the rise, the portrayal of women was still usually limited to stereotypes, and depictions of women as victims or sex objects were common in the print media. However, two media campaigns were under way: one to raise awareness and increase financial aid for the help centres and one to combat domestic violence against women.

28. Ms. ARAD (Israel) said that attitudes towards mandatory affirmative action in political life were changing, as shown by the fact that three major political parties had secured places for women on their lists of candidates to the Knesset. Little progress had been made in the advancement of women in national politics, but slow progress was being made at the local level: there were three women heads of municipalities and local councils, and women made up 11 per cent of local council members. Gradual improvements were also being made at the senior government level: one woman served as a government minister, three women served as directors-general of government ministries and the State Comptroller, State Attorney and head of the Government Companies Authority were women. Women constituted 40 per cent of the judiciary; three of the 14 Supreme Court justices were women, six of the eight district attorneys were women and the number of women lawyers in the Ministry of Justice was more than double that of men.

29. Affirmative action, which had gained greater acceptance, had already had an impact on the gender balance in boards of directors of government corporations and in the civil service, though progress in the latter had been uneven, as noted in the report. The percentage of military jobs open to women had more than doubled in the past 20 years, reaching 70 per cent in 1996. Although women were currently excluded from combat positions, that situation could change once the first women pilots had completed their training. The "glass ceiling"

phenomenon was clearly in evidence among career officers, as women took longer than men to be promoted through the ranks.

30. For further details on the legislative measures taken to promote women's advancement, the Committee members could consult the legislative supplement distributed to them at the beginning of the meeting, which contained the texts of some of the legislation referred to in the report.

31. Ms. OUEDRAOGO said that the involvement of all relevant institutions and departments and of non-governmental organizations in the preparation of Israel's frank and detailed report, and its mass distribution, should serve as an example to other States parties and that the reporting process should provide an opportunity to bring the situation of women to the attention of the public.

32. She was concerned to note that the progress achieved in Israel had primarily benefited Jewish women and that Arab women enjoyed far less equality of opportunity in terms of education, health and income level. Moreover, the country lacked an overall policy on equality of the sexes to ensure the continuity of short-, medium- and long-term actions. The legislative reforms undertaken were welcome, and had led to a high degree of de jure equality in Israel, but steps were needed to ensure that such measures applied equally to Jewish and Arab women.

33. Ms. HARTONO asked for more information on the structure of the Israeli legal system and on whether it was based on Jewish religious traditions or modern systems. She wondered whether, in the absence of a written constitution, the legal system acted as an umbrella that covered the various religious laws. She also requested clarification of the position of minorities, and specifically asked whether Palestinian women were regarded as Israeli citizens, foreigners, immigrants or refugees.

34. Since the judicial institutions of the different religious communities in Israel all had jurisdiction in matters of personal status, she wondered which court had jurisdiction over mixed marriages, if such marriages were allowed, and whether there were conflicts of laws in cases involving different religions or ethnic groups. She also asked whether women could adopt children.

35. Since the Basic Law: Human Dignity and Liberty contained a provision indicating that it could not affect the validity of any law in force prior to the commencement of the Basic Law, she asked what legal force it had, how it differed from other laws and whether it was intended only as a guideline for future laws. She also asked what authority had the power to render a Basic Law or other law inapplicable. With respect to article 8 of the 1951 Women's Equal Rights Law, which provided that a husband's dissolution of marriage against the will of his wife was a felony punishable by up to five years' imprisonment, she asked whether that provision referred to talaq (repudiation) in the Islamic religion and how it was enforced in practice, especially by the religious courts.

36. Ms. GONZALEZ asked whether, since Israel's Declaration of Independence stipulated that the State would maintain equal social and political rights for all citizens irrespective of sex, any consideration had been given to the

inclusion of the principle of equality of the sexes in the Basic Law: Human Dignity and Liberty, especially since the 1951 Women's Equal Rights Law lacked constitutional force. The report indicated that the Supreme Court was responsible for developing an "unwritten bill of rights", but also that Knesset legislation which contradicted its case law could prevail. She therefore wondered whether the Supreme Court had the power to invalidate rights established by its own case law.

37. She was puzzled by the report's indication that it was unclear whether constitutional rights and norms applied equally to relationships between individuals and to relationships between the Government and individuals. Discrimination against women, regardless of who practised it, was a violation of fundamental human rights. With respect to the statement that the protection of the right to equality and non-discrimination in the private sphere depended on the specific balance between that right and the weight of the rights that might be understood to oppose it, she asked which rights fell into the latter category.

38. Ms. FERRER asked why the right to equality was not specifically mentioned in any of Israel's Basic Laws. That omission was particularly puzzling in the case of the Basic Law: Human Dignity and Liberty, which had been adopted after the Israeli Government had signed the Convention. She wondered whether Israel had considered promulgating a basic law to eliminate discrimination against women or including provisions to that effect in a future or existing basic law. Since ordinary laws establishing equality of rights could be invalidated by future laws, she asked how compliance with the Convention could be guaranteed. She also asked whether any specific efforts were under way to publicize the Convention, especially among judges, prosecutors, lawyers and public officials, and whether it had been translated into Hebrew.

39. The deteriorating economic situation of certain population groups, especially in rural areas and villages, was disturbing. She asked whether the Government had considered adopting economic and social development programmes to address the problem of rising poverty and declining social benefits and services in some territories. The Beijing Platform for Action specifically referred to poverty-eradication efforts, but Israel's report made no mention of its implementation of the agreements reached at the Fourth World Conference on Women. She wondered whether any national plan had been adopted to that effect.

40. She wanted more information on compliance with the Convention with respect to Palestinian women in the occupied territories. The international community was aware of Israel's constant violations of their human rights; in fact, the General Assembly had just adopted a resolution emphasizing the responsibilities arising from Israel's persistent violations and grave breaches of the Geneva Convention relative to the Protection of Civilian Persons in Time of War. She was concerned about the effects of that situation on women, especially since conditions had worsened as a result of the proliferation of Israeli settlements in the occupied Palestinian territories. Non-governmental organizations had reported cases of violence against Palestinian women in Jerusalem, the closure of areas where they resided, the seizure of Palestinian land and the maltreatment of Palestinian children. The Convention could not be fully implemented in the absence of stability, which could not be achieved in occupied

Palestine as long as Israel continued to violate the peace agreements by building new settlements, inter alia in East Jerusalem.

41. Ms. JAVATE DE DIOS said that the Israeli Government had shown political will in establishing a full legal regime of respect for women's human rights and gender equality. However, the Committee remained concerned about the Israeli Government's reservation to article 16, and the fact that the Convention was not specifically embodied in the Basic Laws.

42. She requested further information on immigrants from the former Soviet Union and on Arab and Bedouin women. More information was also needed on the role of women in peace-building and conflict resolution. That was a strategic issue, because laws could not be fully implemented unless there was an environment of peace and stability.

43. Ms. SINEGIORGIS said that, from her own experience representing her Government in Israel, she could endorse the comments made by the representatives of Israel about the situation of Ethiopian women in Israel; at the same time, she hoped that efforts would be intensified to assist Ethiopian women, who were the most disadvantaged of all immigrants.

44. It was clear that much needed to be done to overcome the gap between Jewish and Arab women in Israel; with legislation, hard work and good will, that situation could be changed.

45. Ms. TALLAWY asked for information about the Israeli Government's view of the criticisms of the combined initial and second periodic reports by non-governmental organizations. The report made no mention of the situation of Palestinian women. It referred to discrepancies in the levels of resources allocated to Jewish and Arab communities. She asked whether there were similar discrepancies in the resources allocated to schools.

46. Non-governmental organizations had also drawn attention to the contradiction in the Declaration of Independence between the principle that Israel was a Jewish State and the principle of equality between all citizens without distinction. Furthermore, legislation passed by the Knesset since 1992, including the basic law on human dignity and liberty did not include provisions for the protection of minorities.

47. She requested information on the effect of the presence of a right-wing Government on the situation of women in Israel, and the impact of religious fundamentalism, and asked what measures were being taken by the Israeli Government to eliminate discrimination against Jewish immigrant women, including Ethiopian women.

48. Information was also needed about the situation of women in the occupied Arab territories in the light of the suspension of the peace process; press reports indicated that the Convention and other human rights instruments were being violated in those territories.

49. It was to he hoped that all women in the Middle East, Jewish and Arab, Moslem and Christian, would achieve peace and lasting prosperity.

Article 2

50. Ms. Yung Chung KIM said that it was indicated in the report that the Prime Minister's Advisor on the Status of Women did not have a separate budget; without that independence, it was very difficult for the Advisor to perform her tasks. She asked whether there was any possibility that provision for an independent budget would be made in the National Authority Bill. The Women's Councils and Advisors at the municipal level faced the same problem.

51. She asked why many of the offices in Israel were called "authorities" and whether that terminology had any particular significance.

52. It was encouraging that the Knesset Committee for the Advancement of the Status of Women was a permanent (standing) Knesset committee. She noted, however, that 8 of the 15 members were men, and that, apart from the 7 women members of the committee, there were only two other women in the Knesset. It was impressive that the committee had facilitated the passage of over 40 legislative measures since its establishment. She asked why there was no mention of the Knesset Committee for the Advancement of the Status of Women in the list of committees on which the nine women in the current Knesset served (p. 101 of the report).

53. Ms. OUEDRAOGO said that it was commendable that advisors on the advancement of women were working at the level of municipalities; that decentralized approach should be continued, because it allowed the direct involvement of women.

54. She asked whether the Division for Employment and Status of Women in the Labour Ministry was responsible for coordination, and what its status and political rank were. The many women's organizations listed in the report should lobby for the Division to be upgraded to a Ministry, with a plan of action, a global policy, and clear objectives to ensure sustained action. She was concerned that the Division was attached to the Labour Ministry; although employment was a matter of priority, the Convention focused on equal opportunities in all areas. She asked what link there was between the Commission on the Status of Women and the Division.

55. It was disturbing that many of the women's networks were working on a voluntary basis; the women's movements should lobby to consolidate the progress made and continue to work towards the objectives.

The meeting rose at 1 p.m.